

FILED
ATHENS COUNTY, OHIO
FEB 14 2019
Jana L. Hill, CLERK
OF COMMON PLEAS COURT

IN THE COMMON PLEAS COURT OF ATHENS COUNTY, OHIO

Wade Wiant and Kathleen Wiant as
Co-Administrators of the
Estate of Collin Lewis Wiant
c/o Cooper & Elliott, LLC
2175 Riverside Drive
Columbus, Ohio 43221,

Plaintiff,

v.

Sigma Pi Fraternity, Epsilon Chapter
45 Mill Street
Athens, Ohio 45701

and

The Sigma Pi Fraternity, International, Inc.
c/o Jonathan Frost, Registered Agent
106 North Castle Heights Avenue
Lebanon, Tennessee 37087

and

John Does 1-10,

Defendants.

Case No.

19CT 0043

Judge

MCCARTHY

JURY DEMAND
ENDORSED HEREON

COMPLAINT

This case arises from the wrongful death of Collin Wiant, a student at Ohio University and pledge to the Sigma Pi Fraternity, Epsilon Chapter. During the pledging process, Collin

Wiant was subjected to extensive hazing, including, but not limited to, being: (1) beaten with a belt; (2) forced to beat others with a belt; (3) punched; (4) pelted with eggs; (5) provided with and forced to take drugs (including nitrous oxide); (6) provided with and forced to drink a gallon of alcohol in 60 minutes; and (7) deprived of sleep. The hazing caused bodily injury, emotional distress, and ultimately, Collin Wiant's death.

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, The Estate of Collin Lewis Wiant, was opened in Franklin County, Ohio and Wade and Kathleen Wiant have been appointed as Co-Administrators by the Franklin County Probate Court. Wade and Kathleen Wiant are Collin's parents. Collin is also survived by his four siblings.

2. Defendant, Sigma Pi Fraternity, Epsilon Chapter ("Epsilon Chapter") is an undergraduate chapter of The Sigma Pi Fraternity, International, Inc., chartered and recognized at Ohio University in Athens, Ohio.

3. Defendant, The Sigma Pi Fraternity, International, Inc., ("Sigma Pi") is a Tennessee corporation with its principal place of business in Lebanon, Tennessee.

4. The Epsilon Chapter of Sigma Pi operates under the Constitution, by-laws, mandates, and direction of The Sigma Pi Fraternity, International, Inc.

5. John Does 1-10 are intended to be any and all individuals and/or entities who are liable to plaintiff for the injuries and damages suffered which is the subject of this action. The names and addresses of John Does 1-10 are unknown, and despite a good faith effort being made by the plaintiff and its attorneys, the names and addresses of John Does 1-10 could not be ascertained prior to the preparation and filing of this Complaint.

6. This Court has jurisdiction over the parties and this case because the events giving rise to this lawsuit occurred in Athens County; defendants reside and/or conduct business in Athens County; and the acts giving rise to this case occurred in Athens County.

7. Venue is proper in this Court because some of the defendants reside in Athens County and the events giving rise to this action occurred in Athens County, Ohio.

BACKGROUND FACTS

The Sigma Pi Fraternity

8. Sigma Pi is a fraternity with nearly 100,000 alumni and 5,700 undergraduate members, with 120 active chapters and colonies in the United States and Canada.

9. The Epsilon Chapter is affiliated with Ohio University in Athens, Ohio.

10. Sigma Pi's bylaws define hazing as "any act or activity, whether physical, emotional or social, committed by any brother or Pledge of the Fraternity that subjects or is intended to subject any other brother or Pledge of the Fraternity to paddling in any form, physical exercise resulting in excessive fatigue or exhaustion, deprivation of normal sleep and rest, any form of corporal or mental punishment, the placement of anyone in actual or simulated peril or jeopardy of unhealthy, undignified methods and stunts, treasure hunts, road trips, kidnapping, late work sessions or any other activities which interfere with scholastics, embarrassing, ridiculous or disconcerting treatment, or public ridicule or criticism that endanger the safety or well being of a brother or Pledge."

11. Despite the explicit prohibition of hazing, hazing continues to be a well-known occurrence in this fraternity, and pledges continue to sustain injuries, and even death, as result of the hazing rituals.

12. In March 2016, Sigma Pi revoked the charter of the Hofstra University chapter of the fraternity due to hazing of pledges after it became public that pledges were being

forced into dog cages, covered in hot sauce, forced to chug milk, and vomit on each other.

Photographs and video of the Hofstra hazing were released and are available publicly on the internet.

13. Sigma Pi's then Executive Director, Jason Walker, said "[w]e are appalled by the abhorrent behavior concerning our former chapter at Hofstra University."

14. Hofstra University repeatedly requested information from Sigma Pi regarding the decision to revoke the charter of its Hofstra chapter. Sigma Pi refused to cooperate or provide any information despite repeated requests from the University.

15. In June 2017, Hofstra University permanently withdrew any recognition of Sigma Pi International Fraternity "and will not under any circumstance consider the Fraternity for recognition in the future." Specifically, Hofstra University stated: "[w]e believe that the Sigma Pi headquarters were aware of suspected hazing activity in March 2016, which is why the charter was revoked. Your refusal to provide any assistance in the University's investigation or to provide additional information as requested, put our students and our community in jeopardy."

16. More recently, on January 14, 2019, the Sigma Pi fraternity chapter at the California Polytechnic State University was suspended and placed on probation for health and safety code violations, violations of alcohol use, violations of law, and violations of hazing and conspiracy to haze. The hazing included humiliation of pledges that caused emotional and mental distress.

Hazing of Collin Wiant

17. On or about September 15, 2018, Collin Wiant was notified that he had been selected to be a pledge in the 2018 class of the Epsilon Chapter of Sigma Pi. Collin was also selected as the pledge class President.

18. Between September 17, 2018 and his death on November 12, 2018, Collin Wiant and 10 other young men, participated in the pledging process. During the 2018 Epsilon Chapter pledge process, three pledges dropped out, and one (Collin Wiant) was killed.

19. The unofficial annex house of the Epsilon Chapter is located at 45 Mill Street in Athens, Ohio. The Epsilon Chapter uses this house as a residence for several members, as a hub for hazing activities, and to host social events, including parties where drugs and alcohol were made available.

20. Inside 45 Mill Street is a room that is commonly known to fraternity members as the "Fun Room" or the "Education Room." This is where much of the hazing occurred, including pledges being whipped with a belt, being pelted with eggs, forced to do wall sits, among other forms of hazing.

21. The "Fun Room" or "Education Room" was riddled with holes in the wall, egg shells all over the floor, and pillow cases that were used for some unknown purpose.

22. During the pledging process, Collin Wiant was subjected to physical abuse, verbal abuse, mental abuse, sleep deprivation, forced drug and alcohol use, and other forms of hazing intended to humiliate and demean him.

23. Some of the tasks required of Collin included doing laundry for fraternity members, cleaning the J Bar after hours, and being forced to be available at all hours of the day on-demand regardless of academic obligations.

24. Due to the never-ending list of tasks required of him by the fraternity, Collin was forced to miss many classes and forego sleep. This caused a decline in Collin's academic performance.

25. As part of Sigma Pi's hazing, the pledges, including Collin Wiant, were locked inside the fraternity president Elijah Wahlib's bedroom at 45 Mill Street and forced to drink a gallon of alcohol in one hour.

26. Collin and other pledges were also forced to "play football" inside 45 Mill Street. They were not permitted to wear any protective gear, such as helmets or pads. The pledges were then forced to tackle and otherwise physically hit each other.

27. On or about October 4 and 5, 2018, Collin Wiant went to Gatlinburg, Tennessee with the fraternity members on an official Epsilon Chapter trip. During the trip, Collin was pelted with eggs, hit with a belt, and repeatedly punched by other members of the fraternity. As a result, Collin suffered severe physical and mental injury.

28. The fraternity provided and/or forced pledges, including Collin, to take cocaine, marijuana, Adderall, and Xanax, along with moonshine and other types of alcohol. The combination of drugs and alcohol caused Collin to black out numerous times.

29. These hazing incidents negatively affected Collin Wiant's physical, mental, and emotional health.

Events of November 11 and 12, 2018

30. On November 11, 2018 around 8:30 p.m., Collin Wiant went to the Crystal Bar with other members of the Epsilon Chapter. People who saw Collin described him as acting normal, and not heavily intoxicated or under the influence of drugs.

31. Around 10:00 p.m. on November 11, 2018, Collin Wiant made a short trip across the street to the J Bar. Again, witnesses who saw Collin indicated Collin seemed fine.

32. Shortly after midnight on November 12, 2018, Collin returned to the Crystal Bar. Witnesses who saw Collin described him as acting normal.

33. Around the same time, a fraternity member told Collin to go over to 45 Mill Street. Before Collin left, he said “I know I’m going to get hazed.”

34. Before going to 45 Mill Street, Collin and Corbin Gustafson (an active Sigma Pi member) went to Collin’s dorm room at Gamertsfelder Hall. That was around 2:00 a.m. A witness described Collin as acting completely fine.

35. Upon information and belief, Collin and Corbin Gustafson went from Gamertsfelder Hall directly to 45 Mill Street, which is the unofficial annex house of the Epsilon Chapter.

36. At 2:50 a.m. on November 12, 2018, Corbin Gustafson made a 911 call indicating that Collin Wiant was unresponsive inside the 45 Mill Street house. The caller indicated he wanted to bring Collin outside, but the 911 dispatcher told him to leave Collin where he was.

37. Collin Wiant died inside the Epsilon Chapter annex house shortly after the 911 call was made. His body was found surrounded by drug paraphernalia, including cannisters of nitrous oxide.

38. Epsilon Chapter members and/or pledges Adam Jones, Josh Androsac, Cullen McLaughlin, and Corbin Gustafson were all present at 45 Mill Street at the time of Collin Wiant’s death.

39. The toxicology report shows that Collin Wiant died of asphyxiation due to nitrous oxide ingestion.

40. The illegal drugs containing nitrous oxide that caused Collin Wiant’s death were provided by and/or forced on Collin by members of the Epsilon Chapter of the Sigma Pi Fraternity and/or were substances introduced to Collin during his time as a pledge.

41. Within hours of Collin Wiant's death, the Epsilon Chapter of the Sigma Pi Fraternity—rather than being concerned for Collin and his family—called an emergency meeting of its members to initiate the current pledge class as full members of the fraternity. The action was designed to close ranks within all fraternity members to make sure they all told the same story concerning the events of earlier that morning.

42. On November 13, 2018—one day after Collin Wiant's death—Ohio University issued a cease and desist letter to the Epsilon Chapter of Sigma Pi.

COUNT ONE – VIOLATION OF OHIO'S ANTI-HAZING STATUTE, R.C. § 2307.44

43. Plaintiff repeats and realleges the preceding paragraphs as if fully rewritten herein.

44. In November 2018, Collin was enrolled as a student at Ohio University and was a pledge in the Sigma Pi Fraternity, Epsilon Chapter.

45. As more fully described above, Collin was hazed by other members of Sigma Pi, in violation of R.C. § 2307.44.

46. Defendants authorized, requested, commanded, and/or tolerated the hazing more fully described above.

47. Defendants knew or reasonably should have known of the hazing, more fully described above, and did not take reasonable steps to prevent it.

48. As a direct and proximate result of Defendants' unlawful conduct, Collin Wiant suffered a wrongful death and his Estate has sustained economic loss, pain and suffering, loss of consortium, mental anguish, loss of services, and all other remedies permitted under Ohio law.

COUNT TWO – NEGLIGENT SUPERVISION

(Against Sigma Pi)

49. Plaintiff repeats and realleges the preceding paragraphs as if fully rewritten herein.

50. Defendant Sigma Pi owed Collin Wiant a duty to use ordinary care in supervising the initiation rituals of its chapters, including the Epsilon Chapter, to reduce the risks of physical and mental injury, including such mental and physical injury that would lead to his death as a result of hazing.

51. Sigma Pi is responsible for instituting and enforcing policies that provide adequate supervision of new and potential members from acts of hazing.

52. Sigma Pi, by and through its agents and/or employees, were negligent in allowing Wiant to be hazed. Some examples of Sigma Pi's negligence are as follows:

- a. Permitting and allowing harmful initiation rituals, which included physical abuse, mental abuse, forced drug use, sleep deprivation, and other forms of hazing;
- b. Failing to warn the Epsilon Chapter about the dangers and harmful effects of initiation rituals and hazing causing physical injury, mental anguish, humiliation, and/or embarrassment, although it knew or should have known such rituals and acts can be fatal;
- c. Failing to adopt reasonable and effective policies to be followed by its local chapters, including the Epsilon Chapter, to prevent harmful initiation rituals and hazing;
- d. Failing to take reasonable steps to insure its local chapters, including the Epsilon Chapter, followed policies and procedures it claims to have adopted regarding initiation rituals and hazing;
- e. Failing to take steps to learn whether its local chapters, including the Epsilon Chapter, were following policies and procedures regarding initiation rituals and hazing activities it claims to have adopted;

- f. Failing to train members of the Epsilon Chapter on the anti-hazing policy.

53. It was foreseeable that a pledge, including Collin Wiant, could die as a result of the hazing activities.

54. As a direct and proximate result of Sigma Pi's unlawful conduct, Collin Wiant suffered a wrongful death and his Estate has sustained economic loss, pain and suffering, loss of consortium, mental anguish, loss of services, and all other remedies permitted under Ohio law.

COUNT THREE – NEGLIGENT SUPERVISION
(Against the Epsilon Chapter)

55. Plaintiff repeats and realleges the preceding paragraphs as if fully rewritten herein.

56. Defendant Epsilon Chapter owed Collin Wiant a duty to use ordinary care in supervising the initiation rituals of its members to reduce the risks of physical and mental injury, including such mental and physical injury that would lead to his death as a result of hazing.

57. Defendant Epsilon Chapter is responsible for enforcing policies that provide adequate supervision of new and potential members from acts of hazing.

58. Defendant Epsilon Chapter, by and through its agents, members, and/or employees, were negligent in allowing Wiant to be hazed. Some examples of the Epsilon Chapter's negligence are as follows:

- a. Permitting and allowing harmful initiation rituals, which included physical abuse, mental abuse, forced drug use, sleep deprivation, and other forms of hazing;

- b. Failing to warn fraternity members about the dangers and harmful effects of initiation rituals and hazing causing physical injury, mental anguish, humiliation, and/or embarrassment, although it knew or should have known such rituals and acts can be fatal;
- c. Failing to adopt reasonable and effective policies to be followed by its members to prevent harmful initiation rituals and hazing;
- d. Failing to take reasonable steps to insure its members followed policies and procedures it claims to have adopted regarding initiation rituals and hazing;
- e. Failing to take steps to learn whether its members were following policies and procedures regarding initiation rituals and hazing activities it claims to have adopted;
- f. Failing to train members on the anti-hazing policy.

59. It was foreseeable that a pledge, including Collin Wiant, could die as a result of the hazing activities.

60. As a direct and proximate result of the Epsilon Chapter's unlawful conduct, Collin Wiant suffered a wrongful death and his Estate has sustained economic loss, pain and suffering, mental anguish, loss of consortium, loss of services, and all other remedies permitted under Ohio law.

COUNT FOUR – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

61. Plaintiff repeats and realleges the preceding paragraphs as if fully rewritten herein.

62. Defendants intended to cause emotional distress to Collin Wiant.

63. As more fully described above, Defendants' conduct was so extreme and outrageous as to go beyond the bounds of decency and was such that the conduct can be considered utterly intolerable in a civilized society. Defendants' conduct was intentional and/or reckless.

64. Defendants' actions were the proximate cause of Collin's injuries and death.

65. The mental anguish suffered by Collin was so serious and of a nature that no reasonable person should be or could be expected to endure.

66. As a direct and proximate result of Defendants' unlawful conduct, Collin Wiant suffered a wrongful death and his Estate has sustained economic loss, pain and suffering, loss of consortium, mental anguish, loss of services, and all other remedies permitted under Ohio law.

COUNT FIVE – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

67. Plaintiff repeats and realleges the preceding paragraphs as if fully rewritten herein.

68. While pledging the Epsilon Chapter of Sigma Pi, Collin was in fear of physical consequences.

69. As more fully described above, Defendants owed Collin a duty of care.

70. As more fully described above, Defendants breached that duty to Collin.

71. As a direct and proximate result of Defendants' unlawful conduct, Collin Wiant suffered a wrongful death and his Estate has sustained economic loss, pain and suffering, loss of consortium, mental anguish, loss of services, and all other remedies permitted under Ohio law.

COUNT SIX - NEGLIGENCE

72. Plaintiff repeats and realleges the preceding paragraphs as if fully rewritten herein.

73. Sigma Pi's by-laws provide that "the consumption of alcohol at any rush or recruitment function, including formal, informal, and summer/break recruitment activities, is strictly forbidden."

74. Sigma Pi's alcohol policy also provides that "[a]lcohol abuse is contradictory to the Creed, standards, ideals, mission, and goals of Sigma Pi Fraternity and such activity by our members is hereby strictly prohibited."

75. Sigma Pi's drug use policy provides that the possession, sale, and/or use of controlled substances is "expressly prohibited at any Sigma Pi house or sponsored Fraternity event or at any event that would allow a normal observer to view an activity as a Fraternity sponsored event."

76. Defendants owed Collin Wiant a duty to use ordinary care to ensure alcohol and illicit drugs were not used and/or made available to pledges in the Epsilon Chapter house.

77. Defendants are responsible for enforcing policies that ensure alcohol and illicit drugs are not used and/or made available to pledges at the Epsilon Chapter house.

78. Defendants were negligent by permitting, encouraging, and/or forcing the use of drugs and alcohol by pledges in the Epsilon Chapter house.

79. Defendants were further negligent by failing to enforce their own policies regarding alcohol abuse and illicit drug use at the Epsilon Chapter house.

80. It was foreseeable that a pledge, including Collin Wiant, could be injured or die as a result of Defendants' negligence.

81. As a direct and proximate result of Sigma Pi's unlawful conduct, Collin Wiant suffered a wrongful death and his Estate has sustained economic loss, pain and suffering,

loss of consortium, mental anguish, loss of services, and all other remedies permitted under Ohio law.

COUNT SEVEN – CIVIL CONSPIRACY

82. Plaintiff repeats and realleges the preceding paragraphs as if fully rewritten herein.

83. Hazing is an unlawful act under Ohio law, and Defendants violated R.C. § 2307.44.

84. Defendants acted purposefully, maliciously, and in concert, with the intent to cause injury or damage to Collin, as described above.

85. Defendants each knew, or should have known, that their actions and the actions of the other defendants were unlawful and improper.

86. Despite this knowledge, Defendants provided substantial assistance and encouragement to each other in carrying out their unlawful and tortious acts.

87. As a direct and proximate result of Defendants' unlawful conduct, Collin Wiant suffered a wrongful death and his Estate has sustained economic loss, pain and suffering, loss of consortium, mental anguish, loss of services, and all other remedies permitted under Ohio law.

PRAYER FOR RELIEF

WHEREFORE, plaintiff requests that this Court award Judgment as follows:

- (a) Compensatory damages on each claim set forth in the Complaint in excess of \$25,000.00 (this is the jurisdictional minimum required for a complaint in Ohio as plaintiff will seek a Judgment of substantially more at trial to reflect the value of the loss of this young life);
- (b) Punitive damages in an amount to be determined at trial;

- (c) Plaintiff's attorney fees and costs of this action;
- (d) Such additional relief as the Court deems just and equitable.

Respectfully submitted,



Rex H. Elliott (0054054)

Sean R. Alto (0087713)

Cooper & Elliott, LLC

2175 Riverside Drive

Columbus, Ohio 43221

(614) 481-6000

(614) 481-6001 (Facsimile)

rexe@cooperelliott.com

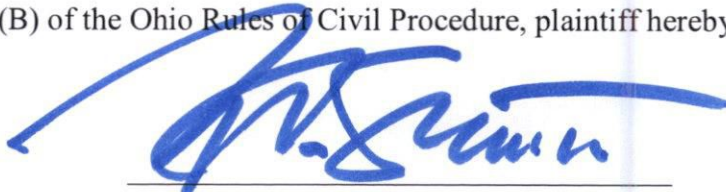
seana@cooperelliott.com

Attorneys for Plaintiff

Wade and Kathleen Wiant as Co-Administrators
of the Estate of Collin Lewis Wiant

JURY DEMAND

Pursuant to Rule 38(B) of the Ohio Rules of Civil Procedure, plaintiff hereby
demands a trial by Jury.



Rex H. Elliott